

## PATENT COOPERATION TREATY



## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P2914/PCT-II	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP2003/000884	International filing date (day/month/year) 29 January 2003 (29.01.2003)	Priority date (day/month/year) 05 December 2002 (05.12.2002)
International Patent Classification (IPC) or national classification and IPC F16D 65/092, 69/04		
Applicant	GOLDBACH AUTOMOBILE CONSULTING GMBH	

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 6 sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

Date of submission of the demand  13 May 2004 (13.05.2004)	Date of completion of this report  17 March 2005 (17.03.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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**I. Basis of the report****1. With regard to the elements of the international application:\*** the international application as originally filed the description:

pages \_\_\_\_\_ 1, 3-9 \_\_\_\_\_, as originally filed

pages \_\_\_\_\_ \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_ 2, 2a \_\_\_\_\_, filed with the letter of 23 August 2004 (23.08.2004)

 the claims:

pages \_\_\_\_\_ \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, as amended (together with any statement under Article 19)

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_ 1-19 \_\_\_\_\_, filed with the letter of 25 February 2005 (25.02.2005)

 the drawings:

pages \_\_\_\_\_ 1/1 \_\_\_\_\_, as originally filed

pages \_\_\_\_\_ \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the sequence listing part of the description:

pages \_\_\_\_\_ \_\_\_\_\_, as originally filed

pages \_\_\_\_\_ \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:** contained in the international application in written form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.**4.  The amendments have resulted in the cancellation of:** the description, pages \_\_\_\_\_ the claims, Nos. \_\_\_\_\_ the drawings, sheets/fig \_\_\_\_\_**5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	2	YES
	Claims	1, 3, 10, 11	NO
Inventive step (IS)	Claims	2	YES
	Claims	4-9, 12-19	NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims		NO

## 2. Citations and explanations

This report makes reference to the following documents:

D2: DE 298 04 619 U (OBTEC AS) 4 June 1998 (1998-06-04)

D4: WO 02/02963 A (HONEYWELL BREMSBELAG GMBH; GRIMME HANSJOERG (DE); HIMMELSBACH RAIN) 10 January 2002 (2002-01-10).

1. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 1, insofar as it can be understood (see below under "Certain observations on the international application") lacks novelty within the meaning of PCT Article 33(2).

D2 discloses

a disc brake in which at least one pin (1) is mounted on the lining support (10) in order to fix the friction lining (13), the pin passing through to the center of the lining support (see figure 3) and the length of the pin ranging from half of the thickness of the friction lining to the entire thickness thereof (the pin known from D2 has a length of 0.5 times the thickness of the friction lining and therefore lies within

the claimed range).

Consequently, all of the features of claim 1 are known from D2.

2. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 12 does not involve an inventive step within the meaning of PCT Article 33(3).

D2, which is regarded as the closest prior art, discloses a method for mounting pins on lining supports, wherein the pin (1) is welded onto the lining support (page 5, lines 1-2).

At most, the method according to claim 12 differs therefrom in that the pin is made of a soft brass material.

This feature, however, is only one of several possibilities from which a person skilled in the art would choose according to the circumstances when prompted by D4, for example, see claim 13.

3. Dependent claims 3-11 and 13-19 contain no features that, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step. The reasons therefor are the following:

Claims 3, 10 and 11 - the features of these claims are likewise known from D1.

Claims 4-9 and 13-19 - the features of these claims are in each case only one of several possibilities from which a person skilled in the art would choose according to the circumstances, without thereby

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being inventive.

4. The combination of features in dependent claim 2 is neither known from nor rendered obvious by the available prior art.

**Certain observations on the international application**

a. Claims 1, 4 and 12 lack clarity (PCT Article 6).

a.i) Claim 1:

The expression "passes through from about the middle to approximately the surface of the lining" lacks clarity. It appears that what was meant was that the friction lining passes at least through to its middle.

a.ii) Claims 4 and 12:

The term "soft" is relative and therefore unclear.